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10/026,181	11/19/2001	Brig Barnum Elliott	00-4063	3369

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EXAMINER
GIBSON, ERIC M

ART UNIT	PAPER NUMBER
3661	

DATE MAILED: 02/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communicati n appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _19 November 2001_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-53_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-48 and 50-53_ is/are rejected.

7)☒ Claim(s) _49_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _19 November 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-19, 21-48 and 50-53 are rejected under 35 U.S.C. 102(e) as being

anticipated by Gibson (US006198431B1).

As per claim 1, Gibson teaches a compact GPS tracker and customized mapping

system including a reference receiver having a known position (inherent for functionality

of the DGPS chip disclosed at column 4, line 55), a mobile receiver that has a variable

position (GPS chip disclosed at column 4, line 55), and a processor that generates a

trajectory path data based on the raw position data and reference position data, wherein

the trajectory path data corresponds to a trajectory path of the mobile receiver (column

5, lines 9-11).

As per claim 2, Gibson teaches that the DGPS chip can be used to correct the

position signal (column 5, lines 1-2).

As per claims 3 and 4, Gibson teaches that the execution rate for polling is

variable (column 6, lines 48-51).

As per claim 5, the error correction claimed is the conventional method of error correction for position in a DGPS system. See applicant's specification page 5.

As per claims 6-8, Gibson teaches storing the trajectory path data as raw position data and converting to GPS position coordinates relative to the scene traversed (column 8, lines 37-58).

As per claim 9, Gibson teaches a memory for storing the data (flash memory 7 disclosed at column 7, line 16).

As per claim 10, Gibson teaches an external device having an interface that couples with the memory for downloading the data and generating a visual display of the trajectory path data (column 7, lines 15-26).

As per claim 11, Gibson teaches that the external device comprises a computer (column 6, lines 57-58).

As per claims 12 and 14, Gibson teaches combining the trajectory path data with a terrain dataset to form a composite simulation dataset to be displayed (column 10, lines 3-20).

As per claims 13 and 15, Gibson teaches a variety of viewing perspectives (column 7, lines 24-26).

As per claim 16, Gibson teaches that the information is available through the Internet (claim 7).

As per claim 17, Gibson teaches storing the composite simulation dataset on a recording medium (column 7, lines 20-26).

As per claim 18, Gibson teaches a compact GPS tracker and customized mapping system including a reference receiver having a known position (inherent for functionality of the DGPS chip disclosed at column 4, line 55), a location recording device having a mobile receiver that has a variable position (GPS chip disclosed at column 4, line 55), a processor that generates a trajectory path data based on the raw position data and reference position data, wherein the trajectory path data corresponds to a trajectory path of the mobile receiver (column 5, lines 9-11), and an external device having an interface that couples with the memory for downloading the data and generating a visual display of the trajectory path data (column 7, lines 15-26) and combining the trajectory path data with a terrain dataset to form a composite simulation dataset to be displayed (column 10, lines 3-20).

As per claim 19, Gibson teaches a computer monitoring station for tracking the position (column 5, lines 33-44).

As per claim 21, Gibson teaches that the interface between the location recording device and the processor may be wireless (column 5, lines 33-38).

As per claim 22, Gibson teaches that the DGPS chip can be used to correct the position signal (column 5, lines 1-2).

As per claim 23, the error correction claimed is the conventional method of error correction for position in a DGPS system. See applicant's specification page 5.

As per claims 24-26, Gibson teaches storing the trajectory path data as raw position data and converting to GPS position coordinates relative to the scene traversed (column 8, lines 37-58).

As per claim 27, Gibson teaches that the external device comprises a computer (column 6, lines 57-58).

As per claims 28 and 30, Gibson teaches combining the trajectory path data with a terrain dataset to form a composite simulation dataset to be displayed (column 10, lines 3-20) on a display (claim 8 (g)).

As per claims 29 and 31, Gibson teaches a variety of viewing perspectives (column 7, lines 24-26).

As per claim 32, Gibson teaches that the information is available through the Internet (claim 7).

As per claim 33, Gibson teaches storing the composite simulation dataset on a recording medium (column 7, lines 20-26).

As per claim 34, Gibson teaches a compact GPS tracker and customized mapping method including a reference receiver having a known position (inherent for functionality of the DGPS chip disclosed at column 4, line 55) for generating a reference position, a mobile receiver that has a variable position (GPS chip disclosed at column 4, line 55), and a processor that generates a trajectory path data based on the raw position data and reference position data, wherein the trajectory path data corresponds to a trajectory path of the mobile receiver (column 5, lines 9-11).

As per claim 35, Gibson teaches that the DGPS chip can be used to correct the position signal (column 5, lines 1-2).

As per claims 36 and 37, Gibson teaches that the execution rate for polling is variable (column 6, lines 48-51).

As per claims 38 and 39, Gibson teaches combining the trajectory path data with a terrain dataset to form a composite simulation dataset (column 10, lines 3-20), including at least one environmental characteristic.

As per claim 40, Gibson teaches a variety of viewing perspectives (column 7, lines 24-26).

As per claims 41-42, Gibson teaches storing the composite simulation dataset on a recording medium (column 7, lines 20-26).

As per claim 43, Gibson teaches that the information is available through the Internet (claim 7).

As per claim 44, Gibson teaches a system for synthesizing trajectory path data corresponding to a trajectory path and generated from reference position data and raw position data including a data source having terrain visualization data for generating a terrain dataset, a processor for combining the trajectory path data with the terrain dataset to form a composite simulation dataset (column 10, lines 3-20) on a display (claim 8 (g)).

As per claim 45, Gibson teaches a variety of viewing perspectives (column 7, lines 24-26).

As per claims 46 and 47, Gibson teaches that the data source includes environment data (column 10, line 12).

As per claim 48, Gibson teaches that the invention is to be used by many users in a rental situation (column 6).

As per claim 50, Gibson teaches a system for distributing a composite simulation dataset generated by combining the trajectory path data with a terrain dataset including a storage location and interface that allows playback of the composite simulation dataset (claim 8 (g)).

As per claim 51, Gibson teaches storing the composite simulation dataset on a recording medium (column 7, lines 20-26).

As per claims 52 and 53, Gibson teaches that the information is available through the Internet (claim 7).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gibson in view of Ford et al. (US20010053970A1).

As per claim 20, Gibson teaches the invention as explained in the rejection of claim 18. Gibson does not teach that the recording device contains either a video or audio recording device. Ford teaches a method and system of position tracking and field data collection that includes a mobile unit that combines a GPS position tracking unit with an audio recording device (page 3, ¶ [0029]), in order to comment on the positions recorded (page 3, ¶ [0032]). It would have been obvious to one of ordinary

skill in the art, at the time of invention, to include audio or video recording device in the tracking unit of Gibson, in order to allow the user to comment on the position being tracked, as taught by Ford.

Allowable Subject Matter

Claim 49 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As per claim 49, the prior art does not teach or reasonably suggest in combination the present invention including the limitation of displaying the composite simulation dataset from the first-person perspective, and wherein the display represents more than one trajectory path with the terrain dataset by displaying additional participants following more than one trajectory path.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chou (US006327533B1) teaches a method and apparatus for continuously locating an object. Keith et al. (US006115655A) teaches a method for monitoring and reporting vehicular mileage. Fry (US006148262A and US006002982A) teaches a sports computer with a GPS receiver and performance tracking capabilities. France et al. (US005928306A) teaches a method and apparatus for automated differential GPS processing. Wortham (US005913170A) teaches a locating system and

method using a mobile communications network. Lewis (US005587715A) teaches a method and apparatus for tracking a moving object. Plöger et al. (WO9309446A1) teaches a system for determining the position of mobile objects.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M Gibson whose telephone number is (703) 306-4545. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (703) 308-3873. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

EMG

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